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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/626,271	07/24/2003	Takao Yamaguchi	MDA-2880US1	9568				
52473 RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482	7590 06/26/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">KOSTAK, VICTOR R</td></tr></table>		EXAMINER		KOSTAK, VICTOR R	
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			<table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2622</td><td></td></tr></table>	ART UNIT	PAPER NUMBER	2622		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,271	<b>Applicant(s)</b> YAMAGUCHI ET AL.	
	<b>Examiner</b> Victor R. Kostak	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 102, 103, 105 and 107-122 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 102, 103, 105 and 107-122 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 102, 103, 105 and 107-122 are now rejected under 35 U.S.C. 102(b) as being anticipated by Nemirofsky (5,412,416).

The video communication system of Nemirofsky (noting particularly Figs. 1-3 and 5) includes a transmitting stage 4 (Figs. 1 and detailed in Fig. 2) that transmits transmission format information characterized by an identifier and starting time information (control data stage “f” in Fig. 6; col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12). Receiving stage 12 (detailed in Fig. 3) receives content that is stored in storage bank 72, and particular content is accessed by identifier data and activated in response to the starting time data; wherein the content data is transmitted to the receiver stage before the format information is likewise transmitted and received, thereby meeting claims 102 and 116.

As for claim 103, Nemirofsky points out that the data used to prompt the starting time can be any type of start play or trigger (noting again text in col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12).

As for claims 105, 107 and 117, the control codes of Nemirofsky correspond to the claimed term for processing (Nemirofsky also discloses playback duration periods).

As for claims 108 and 118, Nemirofsky discloses the associated receiving stage detailed in Fig. 4 which includes the storage unit 72 for the content and transmission format data stage 56

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used to activate the stored content on a selective and timed basis. Again, the content data is stored before the starting time of its activation.

Regarding claim 109, again, Nemirofsky points out that the data used to prompt the starting time can be any type of start play or trigger (noting again text in col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12).

As for claim 110, the control stage 56 activates the content data from storage in an automatic fashion.

As for claims 111 and 119, the control codes of Nemirofsky correspond to the claimed term for processing (Nemirofsky also discloses playback duration periods) in his receiving stage.

Regarding claim 112, Nemirofsky points out that the data used to prompt the starting time can be any type of start play or trigger (noting again text in col. 9 lines 24-43; col. 10 lines 13-18; col. 17 lines 10-12), as mentioned above.

As for claim 113, the control stage 56 activates the content data from storage in an automatic fashion, also mentioned previously.

Claims 114 and 115 recites both the transmitting and the receiving stage involving start time data and processing term data respectively, both of which were addressed above.

As for claims 120 and 121, the methods recited therein are covered by the discussion to claims 114 and 115, respectively.

As for new claim 122, the content data includes (at least) video data.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Any response to this action should be mailed to:**

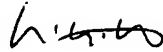
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P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Or faxed to:**

**(571) 273-8300**

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak  
Primary Examiner  
Art Unit 2622

VRK